IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

MONDAY THE THIRTEENTH DAY OF NOVEMBER TWO THOUSAND AND SIX

: PRESENT:

THE HON'BLE SRI JUSTICE: **K.C. BHANU**

CRIMINAL PETITION No. 4980 of 2006

Between:

AMWAY INDIA ENTERPRISES, (a Private Company with unlimited liability), having its registered office at C-3, Qutub Institutional Area, New Delhi – 16, Branch Office at 6-3-563/26/A, Flat No. 1/1 & 2, Somavarapu Heights, Hilltop Colony, Erramanzil, Hyderabad through Mr. Yoginder Singh, its Authorised Signatory.

Petitioner

AND

State of A.P., rep. by C.I.D. (Economic Offences Wing), Hyderabad, through its Public Prosecutor, High Court of A.P.

..Respondent

Petition under Section 482 of Cr. P.C. praying that in the circumstances stated in the Memorandum of Grounds filed herein, the High Court may be pleased to allow the Criminal Petition and quash the orders in Crl.R.P.No. 137 of 2006 dated. 28-10-2006 on the file of the Metropolitan Sessions Judge, Criminal Courts, Hyderabad, made confirming the orders passed in Crl.M.P.No. 5259 of 2006 dated. 10-10-2006 filed under sections 451 r/w. 457 of Cr.P.C. in Crime No. 10 of 2006 on the file of the Chief Metropolitan Magistrate, Criminal Courts, Hyderabad, and allow the Crl.M.P.No. 5259 of 2006 on the file of the Chief Metropolitan Magistrate, Criminal Courts, Hyderabad as prayed for.

The Petition coming on for hearing upon perusing the Petition and memo of grounds filed herein and upon hearing the arguments of Sri S.Niranjan Reddy, Advocate for the Petitioner and of the Public Prosecutor for the Respondent.

The Court made the following **ORDER:**

" It is brought to the notice of this Court that the office premises and all the godowns of the petitioner-company located at Hyderabad, Kurnool, Tirupathi, Vijayawada and Vizag have been sealed by the respondent-police.

Learned counsel for the petitioner submitted that the all stocks in question can be stored in one godown after making inventory and that after receipt of the analyst report final orders can be passed by this Court.

Learned Public Prosecutor appearing on behalf of the respondent opposed the same on the ground that as per the Director of Forensic Science Laboratory, the samples of the stocks in question have been sent to the analyst for analysis and as per the Director of Forensic Science Laboratory it will take some more time.

I have perused the material available on record.

Even the alleged offences are made out against the petitioner-company, its office and the furniture are not liable for confiscation but, the products only if any, found in conformity with the standards are liable for confiscation.

It is also brought to the notice of this Court the some products were kept in the offices of the petitioner-company and those products are also to be kept in one godown instead of five godowns.

Hence, it is just and proper to direct the respondent-police to open

the seals of all the offices of the petitioner-company and thereafter the petitioner-company can make use of the office premises. It is also directed that all the articles in the office and godowns of the petitioner-company shall be shifted to one godown situated at Balanagar, Hyderabad duly identified by it under the supervision of the respondent-police.

Post the Criminal Petition on 24-11-2006 at 2.15 P.M."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Metropolitan Sessions Judge, Criminal Courts, Hyderabad.
2. The Chief Metropolitan Magistrate, Criminal Courts, Hyderabad
3. The C.I.D. (Economic Offences Wing), State of A.P., Hyderabad. (**By Spl. Messenger**)
4. Two CCs to the Public Prosecutor, High Court of A.P.,Hyderabad.
5. One CC to Sri S.Niranjan Reddy, Advocate(OPUC)
6. One spare copy.

SAH

HIGH COURT

KCBJ

DATED: 13-11-2006

NOTE: POST THE CRIMINAL PETITION
ON 24-11-2006 AT 2.15 P.M.

ORDER

CRL.P.NO. 4980 OF 2006

DIRECTION

DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 13-11-2006

HIGH COURT

KCBJ

DATED: 13-11-2006

NOTE: POST THE CRIMINAL PETITION ON 24-11-2006 AT 2.15 P.M.

ORDER

CRL.P.NO. 4980 OF 2006

DIRECTION